



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1037

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1037-ABC-120 [v.1]

Page 1 of 1

Amends Title [NO]
H1037-CSSH-30

Date 4-29, 2020

Representative Holley

- 1 moves to amend the bill on page 8, lines 37-39, by deleting the lines;
2
3 and on page 9, line 17, by rewriting the line to read: "misconduct, or intentional infliction of
4 harm, unless the health care facility or health care provider was aware of staffing shortage and
5 was grossly negligent in efforts to remedy the staffing shortage. Failure to anticipate a staffing
6 shortage shall not be construed gross negligence to remedy a staffing shortage."
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8

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED ✓

W/D



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1043

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1043-AMW-41 [v.6]

Page 1 of 3

Amends Title [NO]
H1043-CSSTfp-67[v.3]

Date 4-29, 2020

Representative Torbett

moves to amend the PCS on page 42, lines 11-12, by inserting between those lines the following:

"DOT EMERGENCY RESERVE/CLARIFICATIONS/MODIFICATIONS

SECTION 30.5A.(a) G.S. 136-44.2E, as enacted by S.L. 2019-251, reads as rewritten:

"§ 136-44.2E. Transportation Emergency Reserve.

(a) Creation. – The Transportation Emergency Reserve (Emergency Reserve) is established as a special fund in the Department of Transportation.

(b) Funding; Use of Funds. – Subject to subsection (d) of this section, no later than July 30 of each fiscal year, the Department of Transportation shall transfer from the Highway Fund appropriations to the Emergency Reserve the sum of one hundred twenty-five million dollars (\$125,000,000), and these funds are hereby appropriated for expenses related to an emergency-emergency and for unreimbursed expenditures arising from the emergency. For purposes of this section, the term "emergency" has the same meaning as in G.S. 166A-19.3.

(c) Access to Funds. – The Department may only use funds in the Emergency Reserve Reserve: (i) after the President of the United States issues a declaration under the Stafford Act (42 U.S.C. §§ 5121 – 5207) that a major disaster exists in the State.State, (ii) the United States Secretary of Transportation authorizes the expenditure of emergency relief funds pursuant to 23 U.S.C. § 125, or (iii) the Governor has declared a disaster pursuant to G.S. 166A-19.21. The Secretary of Transportation shall ensure all funds in the Emergency Reserve are accessed and used pursuant to this section.

(d) Limitation on Funds. – The total funds in the Emergency Reserve shall not exceed the sum of one hundred twenty-five million dollars (\$125,000,000). If a transfer under subsection (b) of this section would cause the Emergency Reserve to exceed this limitation, the amount transferred shall equal the difference between one hundred twenty-five million dollars (\$125,000,000) and the amount of funds in the Emergency Reserve on the transfer date set forth in subsection (b) of this section.

(e) Evaluation of Emergency Reserve. – No later than February 1 of the first year of the 2021-2023 fiscal biennium, and biennially thereafter, the Department of the Transportation shall submit a report on the Emergency Reserve to the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division. The report shall contain the results of an



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1043

AMENDMENT NO. 1
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H1043-AMW-41 [v.6]

Page 2 of 3

1 evaluation of the Emergency Reserve, based on a methodology developed jointly by the Office
2 of State Budget and Management and the Department of Transportation, to determine the
3 minimum amount of funds needed in the Emergency Reserve."
4

5 **SECTION 30.5A.(b)** Subsection (d) of section 1.3 of S.L. 2019-251 reads as
6 rewritten:

7 "SECTION 1.3.(d) No later than 30 days from the effective date of this section, the State
8 Controller shall transfer from the unreserved balance in the General Fund to the Emergency
9 Reserve the sum of sixty-four million dollars (\$64,000,000). These funds may be used by the
10 Department of Transportation for any emergency occurring after December 31, 2015 and that
11 qualifies under G.S. 136-44.2E as enacted by subsection (a) of this section."
12

13 **SECTION 30.5A.(c)** Notwithstanding G.S. 136-44.2E, as enacted by S.L. 2019-251
14 and amended by subsection (a) of this section, for the fiscal year 2020-2021 the Department of
15 Transportation shall not transfer funds to the Transportation Emergency Reserve.
16

17 **SECTION 30.5A.(d)** Section 1.7 of S.L. 2019-251 reads as rewritten:
18 **"DISASTER RELIEF FUNDS**

19 **SECTION 1.7.** In addition to any other funds appropriated during the 2019-2020 fiscal year,
20 there is appropriated from the General Fund to the Department of Transportation the sum of
21 thirty-six million dollars (\$36,000,000) to be used as follows:

- 22 (1) \$30,000,000 for current and future ~~activities~~ unreimbursed expenditures
23 related to recovery from Hurricane Dorian such as debris removal and repair
24 of highway infrastructure damage.
25 (2) \$2,000,000 for the Living Shoreline projects.
26 (3) \$2,000,000 to expand the Flood Inundation Mapping Alert Network for
27 Transportation.
28 (4) \$2,000,000 for a Flood Risk and Vulnerability Assessment on the Strategic
29 Highway Corridor System.""; and
30

31 on page 42, line 18, by inserting after the end of the sentence, the following:

32 "Exempt from this section are contracts entered into in response to an emergency or disaster
33 declaration, and future transportation project contract commitments that are funded by federal
34 bonds or grants, or State bonds. For purposes of this section, the terms "emergency" and "disaster
35 declaration" have the same meaning as in G.S. 166A-19.3.".

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AMENDMENT
House Bill 1043

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H1043-AMW-41 [v.6]

Page 3 of 3

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1043

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

Page 1 of 1

H1043-AST-100 [v.1]

Amends Title [NO]
H1043-CSSTfp-68

Date 4-29, 2020

Representative Reives

1 moves to amend the bill on page 6, lines 1-2, by rewriting those lines to read:

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"(c) A person wearing a mask for the purpose of ensuring the physical health or safety of the wearer or others shall remove the mask upon request of a law enforcement officer, during a traffic stop, including at a checkpoint or roadblock under G.S. 20-16.3A, or when approached by a law enforcement officer."

Reives request delete end of line.

*Adopted
Perfect
amendment*

SIGNED _____
Amendment Sponsor

SIGNED _____
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ADOPTED _____ FAILED _____ TABLED ✓

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